

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP A. BROWN II, # 271566,

Petitioner,

v.

Case Number: 09-CV-14850
Honorable Patrick J. Duggan

CINDI CURTIN,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION "TO
ADD RESPONDENT"**

Petitioner has filed a motion to amend the case caption to reflect that his current custodian is David Bergh, Warden of the Thumb Correctional Facility. Pursuant to the Rules Governing Section 2254 Cases, a petition must name as respondent the state officer with custody of the petitioner. However, pursuant to an opinion and order issued by this Court on October 7, 2010, this matter is stayed due to continuing state-court matters. If the matter is subsequently re-opened, the Court will, at Petitioner's renewed request, amend the case caption to reflect his then current custodian. As that individual may change from now until that time, the Court finds it unnecessary to currently amend the case caption.

Accordingly, **IT IS ORDERED**, that Petitioner's Motion to Add Respondent is **DENIED WITHOUT PREJUDICE**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Dated: April 15, 2011

Copy to:

Phillip Brown, #271566
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, MI 48446

AAG Raina I. Korbakis